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*Attorneys for Defendants BANK OF GEORGE
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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

STEVEN TRANG, an individual,

Plaintiff,

vs.

BANK OF GEORGE, a Domestic
Corporation; and T. RYAN SULLIVAN
in his individual and professional
capacity,

Defendants.

Case No.: 2:17-cv-00162-APG-EJY

**STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND DISCOVERY
DEADLINES**

(Second Request)

BANK OF GEORGE, a Domestic
Corporation; and T. RYAN SULLIVAN
in his individual and professional
capacity,

Counterclaimants,

vs.

STEVEN TRANG, an individual,

Counterdefendant.

Pursuant to LR IA 6-1, 6-2, Plaintiff, in the above-captioned action, Plaintiff, STEVEN
TRANG (hereinafter, "TRANG"), by and through his attorney of record, Andre Lagomarsino,
Esq. of Lagomarsino Law and Defendants BANK OF GEORGE, a Nevada corporation

(hereinafter, “BOG”) and T. RYAN SULLIVAN (hereinafter “SULLIVAN”, collectively “Defendants”) by and through their attorney of record, Richard I. Dreitzer, Esq. of the law firm of Fennemore Craig, P.C. hereby stipulate to amend the discovery deadlines approved by the Court on December 9, 2020 (ECF No. 44), by extending the outstanding discovery deadlines for a period of one hundred twenty (120) days. This is the second request for an extension to the *Scheduling Order* in this matter. The requested extension is sought in good faith and not for purposes of undue delay.

Currently, there are six (6) dates that are operative in this matter, which the Court has previously approved. These are:

Discovery Cut-Off	June 18, 2021
Initial Expert Disclosure	April 20, 2021
Rebuttal Expert Disclosure	May 20, 2021
Dispositive Motions	July 20, 2021
Joint Pretrial Order	August 19, 2021
Fed. R. Civ. P. 26(a)(3) Disclosures	August 19, 2021

This request is submitted at least twenty-one (21) days prior to each of the six (6) deadlines specified above.

DISCOVERY COMPLETED TO DATE

The parties have exchanged initial disclosures pursuant to FRCP 26(a)(1). Plaintiff served his Initial Disclosures on July 21, 2020. Defendants served their Initial Disclosures on August 3, 2020. Plaintiff propounded and served its First Set of Interrogatories, Requests for Production of Documents and Requests for Admission to Defendants on September 1, 2020. Defendants propounded and served their answers to Plaintiff’s First Set of Interrogatories, and Requests for Admission to Plaintiff on October 7, 2020.

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DISCOVERY THAT REMAINS TO BE COMPLETED

Discovery is ongoing in this case. The parties expect additional written discovery to be propounded by both parties. The parties also still need to take multiple party depositions, depose percipient witnesses, and disclose and depose experts.

REASONS FOR EXTENSION TO COMPLETE DISCOVERY

As was recounted in the previous stipulation between the parties to extend discovery deadlines in this matter (ECF No. 44), this case was filed in 2017, but was stayed pending an investigation by the U.S. Attorney's Office into Plaintiff's *qui tam* False Claims Act ("FCA") claims and corresponding allegations. On June 18, 2019, the U.S. Attorney's Office filed a Motion to Dismiss seeking dismissal of Plaintiff's *qui tam* Complaint and declining to intervene. On March 3, 20120, the Court entered an Order (1) Granting the Motion to Dismiss and (2) Unsealing Case. (ECF No. 22).

As a result, Plaintiff filed his First Amended Complaint on May 1, 2020 asserting claims for wrongful termination under the FCA and wrongful termination in violation of Nevada public policy. (ECF No. 23). On May 26, 2020, the Defendants filed a Motion to Strike Plaintiff's First Amended Complaint ("Motion to Strike"). (ECF No. 25). Magistrate Judge Youchah entered an Order on September 9, 2020 granting in part and denying in part Defendants' Motion to Strike. (ECF No. 36). Defendants filed an Objection to Magistrate Judge Youchah's Order on September 23, 2020. (ECF No. 37). On October 9, 2020, the Court entered an Order Denying Defendant's Objection to Magistrate Judge's Order. (ECF No. 37). Shortly thereafter, the parties unsuccessfully participated in a settlement conference with Magistrate Judge Youchah on October 16, 2020.

In late November 2020, Plaintiff suffered a severe medical emergency event that sent him to the hospital with debilitating long lasting symptoms. In December 2020, both parties previously requested that the pertinent deadlines in this matter be extended for a period of one-hundred twenty (120) days because of Plaintiff's medical event. Specifically, Plaintiff had been unable to

1 participate in discovery in this case due to his temporarily diminished capacity. On December 9,
2 2020, this Court granted the parties' prior request (ECF No. 44).

3 Since that time, Plaintiff has been able to convalesce and his present condition is greatly
4 improved. Unfortunately, Plaintiff was unable to meaningfully participate in discovery over the
5 past few months. Hence, the parties have not had an opportunity to advance the progress of this
6 matter as much they had hoped. Complicating matters further, counsel for Plaintiff, Lagomarsino
7 Law Firm is a three (3) attorney office and recently lost one of its attorneys who departed to start
8 his own firm. Hence, Plaintiff's counsel has been shorthanded in recent months, but anticipates
9 that new hiring will rectify this problem. Defendants' counsel maintains a professional working
10 relationship with Plaintiff's counsel and has done his best to accommodate Plaintiff's counsel in
11 this regard.

12 Accordingly, this extension is necessary to begin discovery anew, now that Plaintiff is able
13 to participate in his case and Plaintiff's counsel will rectify his staffing issues, as described above.
14 This extension should allow both parties ample time to complete all appropriate discovery with the
15 participation of Plaintiff. This discovery includes Defendants' responses to Plaintiff's outstanding
16 discovery, Plaintiff's additional written discovery, Defendants' written discovery, the taking of
17 Plaintiff's deposition, retention and preparation of expert reports, with depositions of designated
18 experts, thereafter.

19 The parties believe that, given the situation as it presently exists, the necessary discovery
20 can be accomplished by the requested extended deadlines, absent any unforeseen circumstances
21 and any unforeseen medical complications. In sum, both parties believe that good cause exists to
22 extend all deadlines in order to permit the parties to achieve their respective stated discovery goals
23 and in consideration of the soon-to-be-lifted restrictions that had affected the Plaintiff's
24 availability, to date, and thus prevented this matter from progressing further.

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PROPOSED REVISED DISCOVERY PLAN

1. Discovery Cut-Off Deadline

The discovery cut-off deadline shall be extended for one hundred twenty (120) days from June 18, 2021 to **Monday, October 18, 2021** (Note: October 16, 2021 is a Saturday.)

2. Fed. R. Civ. P. 26(a)(2) Disclosures (Experts)

Disclosures identifying initial experts shall be made not later than **Wednesday, August 18, 2021**. Disclosures identifying rebuttal experts shall be made not later than **Friday, September 17, 2021**.

3. Dispositive Motions Deadline

The parties shall file dispositive motions thirty (30) days after the extended discovery cut-off deadline of Monday, October 18, 2021, and therefore, not later than **Wednesday, November 17, 2021**.

4. Joint Pretrial Order Deadline

If no dispositive motions are filed, and unless otherwise ordered by this Court, the Joint Pretrial Order shall be filed thirty (30) days after the extended date set for filing dispositive motions of November 17, 2021, and therefore, not later than **Friday, December 17, 2021**. In the event that dispositive motions are filed, the date for the Joint Pretrial Order shall be suspended until thirty (30) days after the Court enters a ruling on the dispositive motions or otherwise by further order of the Court.

5. Fed. R. Civ. P. 26(a)(3) Disclosures (Pre-Trial Disclosures)

Pre-trial disclosures shall be made not later than **Friday, December 17, 2021**.

6. Extensions or Modifications of the Discovery Plan and Scheduling Order

In accordance with Local Rule 26-4, any stipulation or motion for modification or extension of this discovery plan and scheduling order must be made at least twenty-one (21) days prior to the expiration of the subject deadline.

Accordingly, the parties stipulate, subject to approval of this Court, to the following proposed deadlines:

<u>Event</u>	<u>Current Deadline</u>	<u>Revised Deadline</u>
Discovery Cut-Off	June 18, 2021	October 18, 2021
Initial Expert Disclosure	April 20, 2021	August 18, 2021
Rebuttal Expert Disclosure	May 20, 2021	September 17, 2021
Dispositive Motions	July 20, 2021	November 17, 2021
Joint Pretrial Order	August 19, 2021	December 17, 2021
Fed. R. Civ. P. 26(a)(3) Disclosures	August 19, 2021	December 17, 2021

IT IS SO STIPULATED.

DATED: this 23rd day of March, 2021.

FENNEMORE CRAIG, P.C.

By: /s/ Richard I. Dreitzer

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2 Dated this 23rd day of March, 2021.
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4 **LAGOMARSINO LAW FIRM**

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12 *Attorneys for Plaintiff STEVEN*
13 *TRANG*

14 **IT IS SO ORDERED.**

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18 By: 
19 **UNITED STATES MAGISTRATE JUDGE**

20 Dated: March 24, 2021
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